

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of

Creation of a Low Power Radio Service

MM Docket No. 99-25

To: The Commission

REPLY COMMENTS of WEOS in SUPPORT FOR PETITION FOR EXTENSION OF TIME

The Colleges of the Seneca, the FCC licensee of public radio station WEOS and translator station W212BA, both Geneva, NY, and applicant for a new facility in Ithaca, NY, submit these Reply Comments in the above-referenced proceeding on the petition for extension of time filed by Greater Media, on August 11, 1999. These comments are both in support of Greater Media's petition, and support of the comments filed by USA Digital Radio (USDAR) on August 23, and in opposition of comments recently filed by Media Access Project (August 16), J. Rodger Skinner, Jr. (August 23), National Lawyers Guild Committee on Democratic Communications (8/19), The Amherst Alliance (8/18), Rec Networks (8/17), and various individual commentors. We have already filed comments, and reply comments in MM99-25, opposing the creation of an lpfm service. If it is the Commission's desire to continue the process of this rulemaking, it is our intent to support to allow for more time for reply comments in this proceeding, to allow for inclusion of IBOC considerations and rulemaking..

We strongly support the request of Greater Media for the extension, and echo the reasons stated in the reply comments of USDAR. While acknowledging the Commission's intent of an lpfm service to achieve desirable public benefit, the rulemaking is potentially in direct conflict with the implementation of IBOC DAB (RM-9395), and as stated in the Commissions release of Docket 99-25, on May 20, 199 "we take this opportunity to state our intention to launch a rulemaking proceeding regarding digital radio this summer", the Commission's own Docket on IBOC. The failure the Commission a this time to not establish IBOC rulemaking and comments, the current testing and studies that are underway for IBOC, and the lack of a completed recommendations by the NRSC, which are due by December 15th of this year, all point to the potential failure of both a proposed lpfm service and IBOC service being established, as the data and comments are incomplete at this time. The Commission in its own comments on Feb. 3, 1999 has indicated that these two issues are linked together, and neither can be established without possible impact on the other service. The Commission by its own record, in comments filed by its OET, on receiver studies in this matter, indicated it did not have the time to complete a thorough study of the issue of 2nd and 3rd adjacent receiver studies, and the sample was very small and not totally conclusive.

In addition, it will save the public and the Commission's resources, to delay these reply comments as petitioned, to not waste resources in the filing of amendments to comments and reply comments in this matter.

With the proposed rulemaking on lpfm, the Commission overwhelmingly indicated it supported no new service that would cause added interference, or impede the implementation of IBOC. Since no rulemaking is yet proposed, and the full report from the NRSC for establishing a standard in conjunction with this rulemaking is not due until December 15th of this year, it would be prudent and in the public interest to grant the Greater Media Petition, until 45 days AFTER the release of the proposed rulemaking for IBOC DAB. It is of vital interest to the broadcast industry as a whole, to consider all the data, before derailing the what will likely be the future of radio broadcasting in the United States. We encourage the Commission to either abandon MM 99-25 as it is proposed as indicated in our initial and reply comments, or to allow for the all the data to be gathered and studied, before any final rules are proposed or a new service established.

Respectfully Submitted,

Michael R. Black

By: WEOS, Colleges of the Seneca

Title: General Manager

Date: 8/28/99

Certificate of Service

I HEREBY CERTIFY that on this 28th day of August, 199, a true and correct copy of the forgoing reply comments of WEOS radio, in support of Petition for Extension of Time was served, by first class mail, postage prepaid, upon the following:

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